

REMARKS

Claims 1-26 and 28-45 are pending. Claims 1, 21, 33, 34, 43, and 44 are independent. Claims 1, 21, 33, 34, 43, and 44 have been amended. No new matter is being presented. In response to the finality of the Office Action, Applicant is submitting herewith a Request for Continued Examination.

Claim 46 was previously withdrawn without prejudice in a Response to a Restriction Requirement dated January 6, 2009. Applicant reserves the right to present this claim in a divisional patent application.

Claims 1-4, 17-20 and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,117,439 (Barrett) in view of U.S. Pub. No. 2001/0033296 (Fullerton) and further in view of U.S. Patent No. 6,338,094 (Scott). Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Barrett in view of Fullerton in view of Scott and further in view of U.S. Pub. No. 2004/0162642 (Gasper). Claims 6-16 were rejected over Barrett, Fullerton, Scott, and U.S. Patent No. 6,452,609 (Katinsky), claims 21, 23-26, 28-32, 34-42, 44 and 45 were rejected over Barrett in view of Katinsky and further in view of Scott, and claims 22 and 43 were rejected over Barrett, Katinsky, Scott and Gasper. Reconsideration and withdrawal of the rejections are respectfully requested.

Claim 1 recites a method comprising generating, by a computing device, a first phase of a single multiphase advertisement comprising dimension information, the multiphase advertisement including a streaming media component, the first phase including a graphical interface having a first dimension defined by the dimension information, and generating, by a computing device, a second phase of the single multiphase advertisement in which the graphical interface has a second dimension that is different from the first dimension of the first phase, the second dimension defined by the dimension information, the graphical interface includes a streaming media component space. A streaming media component is built by a computing device using a software player engine in accordance with a design of the single multiphase advertisement's graphical interface by which at least a set of core media player variables and a set of core media player controls are predefined, the streaming media component including a link to streaming media content. The streaming media component is incorporated, by a computing device, into the streaming media component space of the graphical interface in the second phase

of the single multiphase advertisement so that streaming media is integrated into the single multiphase advertisement in the second phase of the single multiphase advertisement's graphical interface.

Since, as is discussed in more detail below, the applied art fails to teach, suggest or disclose multiple claim elements, the references, alone or in combination, cannot form the basis of a proper § 103 rejection. More particularly, the applied art fails to teach, suggest or disclose a single multiphase advertisement which includes a first phase and a second phase, in the first phase of the multiphase advertisement a graphical interface has a first dimension and in the second phase the graphical interface has a second dimension that is different than the first dimension of the first phase.

Barrett describes a display device having a display screen on which a banner advertisement is displayed and then a video advertisement is displayed. Although these advertisements may be related to the same subject matter (see, e.g., Barrett, col. 4, lines 32-34), these advertisements are separate, independent advertisements. Specifically, there are two (or more) independent advertisements that Barrett displays: i.e.1) a banner advertisement; and 2) a video advertisement. Barrett does not disclose a single multiphase advertisement, the multiphase advertisement including a streaming media component, as recited in claim 1. Barrett further does not disclose the first phase of the multiphase advertisement including a graphical interface having a first dimension and a second phase of the single multiphase advertisement in which the graphical interface has a second dimension that is different from the first dimension of the first phase. Barrett discloses two independent advertisements - a banner advertisement and a video advertisement. Each of Barrett's separate advertisements do not include information to resize the advertisement - they are single phase, independent, and distinct advertisements.

Barrett merely describes an interface which consists of an advertisement box (116) that has a constant unvarying physical dimension specified by its coordinate information. Barrett discloses that the advertisement box can display both banner and video advertisements. Specifically, Barrett states, in col. 11, line 62 - col. 12, line 3, that advertisement box 116 "is configured to display both banner advertisement 118a-118n and video advertisements 120a-120n to the viewer." Barrett does not, however, disclose that advertisement box 116 changes from a first dimension to a second dimension when transitioning between a banner advertisement and a

video advertisement. Barrett uses the same graphical interface with the same physical dimension, regardless of whether Barrett is displaying a banner advertisement or a video advertisement. The advertisement box 116 consumes the same amount of space regardless of whether a banner advertisement or a streaming advertisement is being displayed in the advertisement box 116. The coordinate information is described as setting the size of the advertisement box 116, but there is no disclosure in Barrett that the size of the advertisement box 116 can vary depending on whether a banner or video is to be displayed. Barrett does not describe in any way how the box 116 would change to a different size for a banner advertisement or a video advertisement being displayed in the advertisement box 116.

Further, the coordinate information of the advertisements in Barrett is not stored in Barrett's advertisements themselves as presently claimed. Instead, Barrett teaches that advertisement box 116 contains coordinate information that defines the space within which video advertisements or banner advertisements are displayed. (See, e.g., Barrett, col. 11, line 62 - col. 12, line 4). Barrett's video advertisements and Barrett's banner advertisements do not contain dimension information themselves to define each of their respective dimensions, as recited in amended independent claim 1.

The Office Action states (Page 3) that Barrett does not "explicitly disclose the first phase and the second phase are of a single multiphase advertisement in which the graphical interface has a second dimension that is different from the first dimension of the first phase, the second dimension defined by said dimension information." The Office Action then states that Barrett discloses "defining the confines of the area within which banner advertisements are displayed, which is a suggestion of varying dimension information." Applicant respectfully disagrees. Col. 11, line 62 - col. 12, line 3 of Barrett states:

Associated with display screen 110 is advertisement box 116. Advertisement box 116 is configured to display both banner advertisements 118a 118n and video advertisements 120a 120n to the viewer. More specifically, advertisement box 116 has coordinate information that defines the space within which management system 22 may cause video advertisements 120a 120n to be played and the confines of the area within which banner advertisements 118a 118n are displayed.

Applicant respectfully submits that this paragraph of Barrett does not disclose "varying dimension information" but rather states that Barrett's advertisement box 116 has coordinate

information which defines the space that video advertisements are played and the space within which banner advertisements are displayed. Applicant respectfully submits that the space within the advertisement box 116 in which different advertisements (video or banner advertisements) are displayed may change, but the space taken up by the advertisement box 116 itself does not change. In other words, a banner advertisement may not take up Barrett's entire advertisement box 116 while a video advertisement may take up the entire advertisement box 116.

Nonetheless, the dimensions of Barrett's advertisement box 116 itself does not change, and the dimensions of each advertisement does not change. As a result, Applicant respectfully submits that Barrett does not teach or suggest the claim elements identified above.

The Office Action then relies on Scott as curing the deficiencies of Barrett. Scott teaches a method, device and system for displaying at a user interface device a video or TV file upon selecting a link to a web page corresponding to the file. After the video or TV file has played, the web page is displayed, inserting a television or video experience into a web surfing experience. The video or TV file is downloaded to the user interface device during an otherwise idle time when bandwidth for downloading is available. Clicking the link to the web page may send a specialized URI from the device to a service center that signals the device to play the video or TV file and retrieve the web page, allowing the service center to manage display of the video or TV files. Scott merely states that this has utility for links that are banner advertisements and provide video or TV advertisements upon clicking the banner to access a web page.

Scott does not cure the deficiencies of Barrett. Scott is focused on a user clicking on a web link (which may be a banner advertisement) and then a separate video file is displayed. Scott's web link may be related to Scott's video file, but they are still two separate, independent advertisements. Similar to Barrett, there are two (or more) independent advertisements that Scott displays: i.e. 1) a web link that may be a banner advertisement; and 2) a video file. Scott does not disclose a single multiphase advertisement, the multiphase advertisement including a streaming media component, as recited in claim 1. Scott further does not disclose the first phase of a multiphase advertisement including a graphical interface having a first dimension and a second phase of the single multiphase advertisement in which the graphical interface has a second dimension that is different from the first dimension of the first phase. Like Barrett, Scott discloses two independent advertisements - a banner advertisement and a video advertisement.

Each of Scott's separate advertisements do not include information to resize the advertisement - they are single phase, independent, and distinct advertisements.

The Office Action specifically refers to col. 3, lines 35-47 and Fig. 2 of Scott. Col. 3, lines 35-47 of Scott state:

In order to provide to the user the large amount of information needed for playing realistic audio and video files, that information may be downloaded to the user interface device prior to the user clicking on the link. The information may be downloaded during a period when the user is not interacting with the Internet, such as during the night, and may be stored on an information storage unit of the device. When the user then clicks on the link, the web page associated with the link may be accessed and begin loading. During this interstitial period, the previously downloaded information associated with the link is played as a video file, inserting a video experience into a web experience.

Therefore, and as stated above, Scott discloses two independent advertisements - a web link (e.g., a banner advertisement) and a video file. Applicant respectfully submits that Scott does not disclose a single advertisement that has multiple phases, where a first phase has a first dimension and a second phase has a second dimension that is different than the first dimension, as recited in independent claim 1.

Amended independent claim 1 also recites, in part:

building, by a computing device, the streaming media component using a software player engine in accordance with a predefined design of the multiphase advertisement's graphical interface by which at least a set of core media player variables and a set of core media player controls are predefined, the streaming media component including a link to streaming media content;

The Office Action states that Barrett does not disclose the above claim element and relies on Fullerton to cure the deficiencies of Barrett. Fullerton does not, however, cure the deficiencies of Barrett. In particular, the Office Action states (Page 3) that Fullerton discloses, at page 4, paragraph [0043] and page 9, paragraphs [0181]-[0183], "using the QuickTime 4.0 media engine to build a streaming media component with a predefined design including media player variables (size of window) and media player controls (play, pause) are predefined, including a link (hotspot) to streaming media content."

Fullerton does not disclose the above claim element. In particular, Fullerton's discourse player 225 utilizes the QuickTime 4.0 media engine as its media player. Fullerton also discloses a toolbar that contains buttons (e.g., play, pause, etc.) to control playback of a presentation. Fullerton does not, however, disclose building a streaming media component using a software player engine in accordance with a predefined design of the multiphase advertisement's graphical interface by which at least a set of core media player variables and a set of core media player controls are predefined, the streaming media component including a link to streaming media content, as recited in independent claim 1. Fullerton does not disclose a multiphase advertisement or building a streaming media component of a multiphase advertisement using a software player engine in accordance with a predefined design of the multiphase advertisement's graphical interface, as recited in independent claim 1, nor is there any indication that Fullerton can be modified for combination with the other references to achieve the claimed subject matter.

Katinsky also does not disclose the above claim elements. In particular, Katinsky discloses a web page having a player for playing media objects, a sequencer which displays a play list that defines an order in which media objects are played by the player, and a media access area for containing a plurality of graphical icons. Katinsky does not, however, disclose a multiphase advertisement or any of the other claim elements of claim 1.

Gaspar also does not disclose the claim elements of claim 1. Gaspar discloses a power management architecture for an electrical power distribution system. Gaspar does not, however, disclose a multiphase advertisement or any of the other claim elements of claim 1.

As a result, claim 1, and the claims that depend from claim 1, are allowable over the cited art, either alone or in combination. Further, independent claim 33 is also allowable over the cited art for the reasons described above.

Independent claim 21 claims, in part:

providing, by a computing device, a first phase of a graphical interface comprising dimension information and including at least a first interactive component for triggering a second phase, the graphical interface having a first dimension in the first phase, the first dimension defined by the dimension information;

providing, by a computing device, a second phase of the graphical interface that is launched in response to interaction with the first interactive component, in the second phase the graphical interface having a second dimension that is different than the first

dimension of the graphical interface and a streaming media component space, the second dimension defined by the dimension information;
The Office Action states that Barrett does not “explicitly disclose a first interactive component for triggering a second phase” and relies on Katinsky to cure the deficiencies of Barrett. Katinsky does not cure the deficiencies of Barrett. The Office Action states (Page 15) that Katinsky discloses “a first interactive component (button) that triggers a second phase of playing a video” (col. 10, lines 52-64). Applicant respectfully disagrees. Katinsky discloses buttons, but Katinsky’s buttons are not a first interactive component of a first phase of a graphical interface for triggering a second phase of the graphical interface, as claimed in independent claim 21. A selection of one of Katinsky’s buttons does not trigger a second phase of a graphical interface. Instead, Katinsky’s buttons perform various functions related to a playlist, such as to play the next content item in a playlist. Katinsky does not disclose a first interactive component for triggering a second phase of a graphical interface, as recited in independent claim 21. Further, Katinsky does not disclose a second phase of the graphical interface that is launched in response to interaction with the first interactive component, as recited in independent claim 21. Also, Katinsky does not disclose a graphical interface comprising dimension information which is used to define the dimensions of the first phase and the second phase of the graphical interface.

As a result, independent claim 21, and the claims that depend from claim 21, are allowable over Katinsky, alone or in combination with Barrett and/or Scott and/or any other art of record. Further, independent claim 34, and the claims that depend from independent claim 34, are also allowable over the cited art for the reasons described above.

Further, independent claim 43 recites, in part:

dimension information;
a first phase of the single multiphase interactive advertisement that is incorporated into a web page, in the first phase a vector-based graphical animation runs in the multiphase interactive advertisement's graphical interface upon launch of the web page, the graphical interface having a first dimension in the first phase, the first dimension defined by the dimension information;
a second phase that is launched upon completion of the vector-based graphical animation of the first phase, in the second phase the single multiphase interactive advertisement's graphical interface has a second dimension that is smaller than the first dimension of the first phase, the second dimension defined by the dimension information, and in the second phase the graphical interface

includes a toolbar for permitting a user to interact with the second phase of the single multiphase interactive advertisement;
a third phase in which the single multiphase interactive advertisement's graphical interface includes at least a streaming media component space, and in the third phase the graphical interface has a dimension that is larger than the second dimension of the second phase and defined by the dimension information; and ...
wherein the third phase of the single multiphase interactive advertisement is triggered by an action performed on the second phase of the single multiphase interactive advertisement.

The Office Action states that Barrett in view of Katinsky in view of Scott in view of Gasper disclose these claim elements. Applicant respectfully disagrees. As stated above, neither Barrett nor Katinsky nor Scott nor Gasper disclose a single multiphase interactive advertisement which contains a first phase, a second phase, and a third phase. Further, neither Barrett nor Katinsky nor Scott nor Gasper disclose in the first phase a vector-based graphical animation that runs in the multiphase interactive advertisement's graphical interface upon launch of the web page, a second phase that is launched upon completion of the vector-based graphical animation of the first phase, and a third phase in which the single multiphase interactive advertisement's graphical interface includes at least a streaming media component space, wherein the third phase of the single multiphase interactive advertisement is triggered by an action performed on the second phase of the single multiphase interactive advertisement. As a result, independent claim 43 is allowable over Katinsky, alone or in combination with Barrett or any other art of record.

Should matters remain which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicant's undersigned attorney. Alternatively, since it is believed that the claims of the present application are in condition for allowance, the Examiner is respectfully requested to issue a Notice of Allowance at the Examiner's earliest convenience.

The Applicant's attorney may be reached by telephone at 212-801-6729. All correspondence should continue to be directed to the address given below, which is the address associated with Customer Number 76058.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 50-1561. Please ensure that the Attorney Docket Number is referenced when charging any payments or credits for this case.

Respectfully submitted,

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